

Appl. No. : 10/007,797
Filed : November 7, 2001

REMARKS

In response to the Office Action mailed October 22, 2003, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Claim Amendments

Claims 5 and 6 have been cancelled. Claims 1 and 4 have been amended. Claims 7 and 8 have been added. Upon the entry of the amendments, Claims 1-4 and 7-8 are pending in this application. The amendments to Claim 1 are supported, for example, by the specification at paragraph [0042]. The amendments to Claim 4 are supported by original Claim 4 and original disclosure. New Claims 7-8 are supported by original Claims 5-6, respectively. Thus, no new matter is added by the amendments. Applicant respectfully requests the entry of the amendments.

Discussion of Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Syslak, et al. (U.S. Patent No. 5,316,206). Pending Claims 1-3 are not anticipated by the Syslak reference as discussed below.

Standard of Anticipation

“For a prior art reference to anticipate a claim under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 850 F.ed 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988).

Discussion of Patentability of Independent Claim 1

Independent Claim 1 recites, among other things, brazing aluminum alloy-assembled articles with *a filler alloy of Al-Si-Cu-Zn series*. Syslak does not disclose the above claim limitation. Referring to Examples 1-6 (see columns 3 and 4), Syslak discloses brazing aluminum members using a Zn-Al alloy. Syslak says nothing about brazing aluminum alloys with a filler alloy of *Al-Si-Cu-Zn series*. Thus, the Syslak reference does not show every element of the claimed invention. Applicant respectfully submits that Syslak does not anticipate Claim 1.

Appl. No. : 10/007,797
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Furthermore, Syslak does not teach or suggest the above limitation recited in independent Claim 1. Referring to column 1, lines 26-35, Syslak discloses that brazing aluminum alloys using AlSi or AlZnSi causes problems such as increasing weight and cost of assemblies, and raising the liquidus temperature, thus complicating the brazing process. In order to provide a new and simple method of joining aluminum members, Syslak uses an AlZn alloy coating (column 1, lines 43-48, line 68 through column 2, line 1). In view of the above, Syslak teaches away from adding either an element of "Si" or "Cu" in the filler alloy of Al-Zn. Thus, Claim 1 would not have been made obvious over the reference, either. Therefore independent Claim 1 is patentable over the Syslak reference.

Discussion of Patentability of Dependent Claims

Claims 2-3 depend from base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of the additional technical features, the dependent claims are patentable over the cited reference. Withdrawal of the rejections is respectfully requested.

Discussion of Claim Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Syslak. Claim 4 depends from base Claim 1, and further defines additional technical features of the present invention. Since Claim 1 is allowable over Syslak, dependent Claim 4 is also allowable over Syslak for at least same reasons.

Discussion of Patentability of New Claims 7-8

New Claims 7-8 depend from base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of their additional technical features, new Claims 7-8 are patentable over the cited reference.

Appl. No. : 10/007,797
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CONCLUSION

In view of Applicant's amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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Dated: 2/19/04

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